

## **EXHIBIT B**

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**THREAD WALLETS LLC**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

THREAD WALLETS LLC, a Utah limited  
liability company,

Plaintiff,

v.

BRIXLEY BAGS, LLC, a Utah limited  
liability company, and Kimberly O’Connell, an  
individual

Defendant.

Civil Action No.: 2:23-cv-00874-JNP-JCB

**SECOND AMENDED COMPLAINT**

**DEMAND FOR JURY TRIAL**

Judge Jill N. Parish  
Magistrate Judge Jared C. Bennett

Plaintiff Thread Wallets LLC (hereinafter, “Thread” or “Plaintiff”), for its Second Amended Complaint, by and through its undersigned counsel, hereby complains and alleges against Defendants Brixley Bags, LLC (hereinafter, “Brixley”) and Kimberly O’Connell (“O’Connell”) (collectively, “Defendants”), as follows:

**THE PARTIES**

1. Plaintiff is a Utah limited liability company with a principal place of business at 125 West 500 South, Provo, Utah, 84601.



2. Upon information and belief, Brixley is a Utah limited liability company with a principal place of business at 2982 West Hancock Street, Mapleton, Utah, 84664. Upon information and belief, Brixley transacts business in Utah, including in this district.

3. Upon information and belief, O'Connell is an individual who resides in Mapleton, Utah.

### **NATURE OF THE CLAIMS**

4. This is an action for design patent infringement under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Specifically, upon information and belief, Defendants have copied the design of Thread's patented cross-body bag, as shown in the images below:

<b>Thread Cross-Body Bag</b>	<b>Brixley Cross-Body Bag</b>
	



### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338 in that this case arises under the Patent Act, 35 U.S.C. § 101 *et seq.*

7. The Court has personal jurisdiction over Defendants because Defendants reside in the State of Utah and do business in the State of Utah by, among other things, offering for sale and selling bags, including the unlawful products at issue in this action. On information and belief, Defendants cause the unlawful products to be sold outside of Utah and place their products within the stream of interstate commerce to reach their customers.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), and 1400(b) because 1) Defendants reside in this judicial district, 2) Defendants have committed acts of infringement in this judicial district, and 3) a substantial part of the events giving rise to the claims asserted herein occurred in this judicial district.

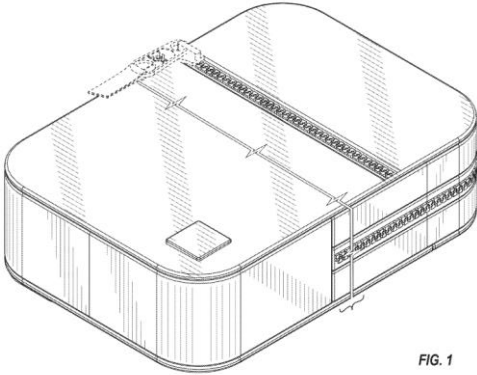

### **FACTUAL BACKGROUND**

9. Thread designs, manufactures, and markets innovative bags, wallets, phone cases, and accessories.

10. Among other products, Thread designed and sells a cross-body bag.

11. Thread is the owner by assignment of U.S. Patent No. D995,105 (“the ’105 patent”), which covers the design of Thread’s cross-body bag. The ’105 patent issued on August 15, 2023. A copy of the ’105 patent is attached as Exhibit 1.

12. Photographs of Thread’s cross-body bag, which embodies the design claimed in the ’105 patent, are set forth in the table below next to figures 1, 4, and 5 from the ’105 patent:

 <p>FIG. 1</p> <p>Thread Patent No. D995,105</p>	 <p>Thread Cross-Body Bag</p> <p><a href="https://www.threadwallets.com/products/luna-crossbody-bag">https://www.threadwallets.com/products/luna-crossbody-bag</a></p>
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13. Thread is also the owner by assignment of U.S. Patent No. D1,025,591 (“the ‘591 patent”), which also covers the design of Thread’s cross-body bag. The ‘591 patent issued on May 7, 2024. A copy of the ‘591 patent is attached as Exhibit 2.

14. Photographs of Thread’s cross-body bag, which embodies the design claimed in the ‘591 patent, are set forth in the table below next to figures 1, 4, and 5 from the ‘591 patent:

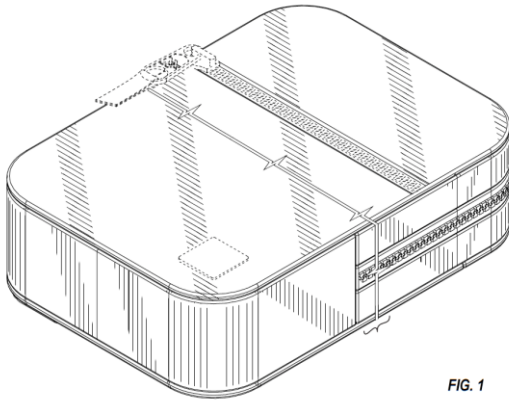


FIG. 1

Thread Patent No. D1,025,591



Thread Cross-Body Bag

<https://www.threadwallets.com/products/luna-crossbody-bag>

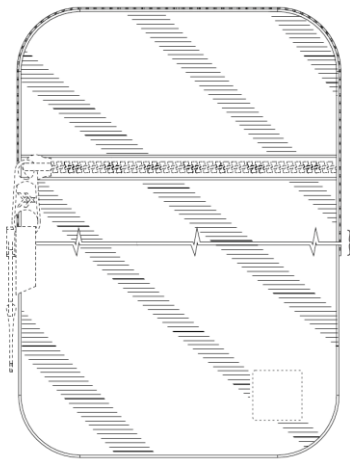


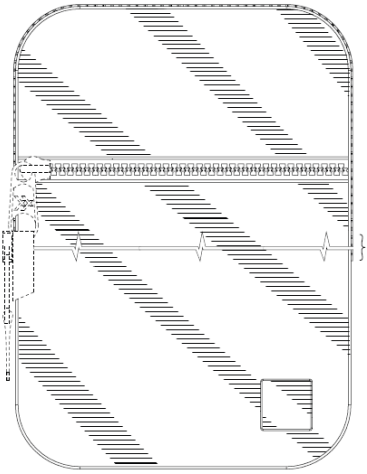

FIG. 4



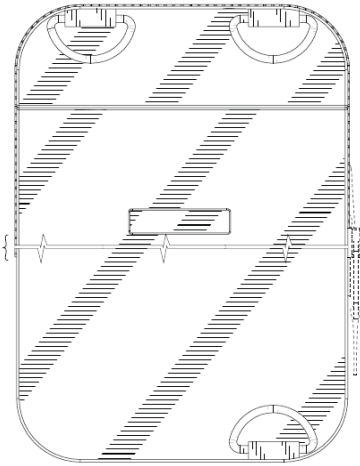





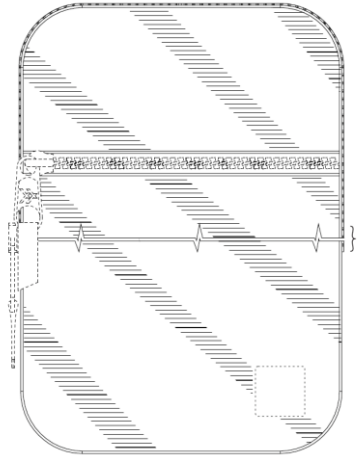

15. Upon information and belief, Defendants have copied Thread's cross-body bag and distribute, import, sell, and offer for sale their competing product in the United States. The table below shows photographs of one example of Defendants' product next to figures from the '105 patent:

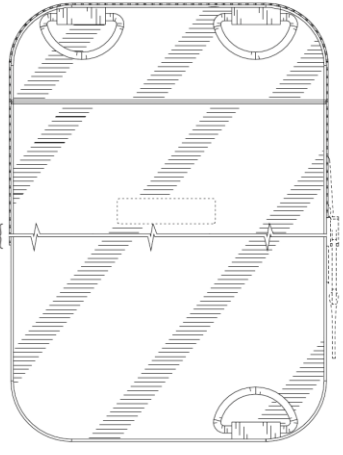

'105 Patent	Brixley Crossbody Bag
 <p style="text-align: center;">FIG. 4</p>	 <p style="text-align: center;"> <a href="https://brixleybags.com/products/lagoon-crossbody-sling">https://brixleybags.com/products/lagoon-crossbody-sling</a> </p>



'105 Patent	Brixley Crossbody Bag
 <p data-bbox="492 856 531 873">FIG. 5</p>	

16. The table below shows photographs of one example of Defendants' product next to figures from the '591 patent:

'591 Patent	Brixley Crossbody Bag
 <p data-bbox="492 1728 531 1745">FIG. 4</p>	 <p data-bbox="842 1703 1372 1780"><a href="https://brixleybags.com/products/lagoon-crossbody-sling">https://brixleybags.com/products/lagoon-crossbody-sling</a></p>

'591 Patent	Brixley Crossbody Bag
 <p data-bbox="495 840 544 861">FIG. 5</p>	

17. On information and belief, Defendants know that their cross-body bag is a copy or near copy of Thread's product, and Defendants intentionally copied Thread's product.

18. On information and belief, O'Connell is the founder, CEO, and controlling member of Brixley, and is intimately involved with Brixley's operations.

19. On information and belief, O'Connell has a direct financial interest in Brixley and in the sales of Brixley's products, including the Brixley crossbody bag shown above ("the Brixley Crossbody Bag").

20. On information and belief, O'Connell claims to have personally designed the Brixley Crossbody Bag.

21. On information and belief, O'Connell has personally participated in, directed, and authorized and approved the wrongful conduct of Brixley alleged in the Amended Complaint.

22. In particular, on information and belief, O'Connell has personally participated in using, selling, and offering to sell the Brixley Crossbody Bag, and in importing the Brixley Crossbody Bag into the United States.

23. On information and belief, O'Connell personally creates and publishes marketing material advertising the Brixley Crossbody Bag on both her own personal social media platforms and on Brixley's social media platforms on a regular basis.

24. On information and belief, O'Connell personally oversees the manufacture of the Brixley Crossbody Bag.

25. On information and belief, O'Connell personally arranges for importation of the Brixley Crossbody Bag into the United States and packages the Brixley Crossbody Bag for shipment to consumers.

26. On information and belief, O'Connell regularly uses the Brixley Crossbody Bag.

27. On information and belief, many of Brixley's customers refer directly to O'Connell rather than Brixley as the source and designer of the Brixley Crossbody Bag.

28. Thread's social media posts have been inundated with comments that Thread copied Brixley's product and that consumers should purchase Brixley's product, as shown in the examples below:



**brit.jxx** Shop [@brixleybags](#) instead!! She is a small business owner and had this EXACT design wayyyy before thread wallets just posted. She also has SO many cute colors!!!



4d 5 likes Reply



**thread\_wallets** [@brixleybags](#) Hey Brit! Unfortunately, we've been hearing this a lot. We actually launched our Crossbody Bag in August of 2020 (with a patent pending) and Brixley launched the pre-order for their bags in November of 2020. If you look through our feed and theirs, you can see for yourself! Let us know if you have any other questions. ❤️



2s Reply



**piper\_reid** check out [@brixleybags](#) got mine from them and i love it



4d 2 likes Reply



**sydneyleemiller** this is literally just [@brixleybags](#) ... next



2d 10 likes Reply

 **briezee\_** It's copying @brixleybags and there isn't even another hook on the bottom left corner so you can only wear it one way...lame



1d 4 likes Reply

 **jessica\_holland\_** So literally just copying @brixleybags with less features and more expensive 😂



1d 8 likes Reply

 **foxhealy** @brixleybags



5d 6 likes Reply

— Hide replies

 **brookewood\_srna** @foxhealy exactly what I was thinking 🤔



2d 2 likes Reply

 **thread\_wallets** @brookewood\_srna @foxhealy Unfortunately, we've been hearing this a lot lately. We actually launched our Crossbody Bag in August of 2020 (with a patent pending) and Brixley launched the pre-order for their bags in November of 2020. If you look through our feed and theirs, you can see for yourself! Let us know if you have any other questions. ❤️



16s Reply

 **alligracee\_** @brixleybags



3h Reply

 **madisoncwells** @alligracee\_ They stole the @brixleybags design but just left off the last loop on the back so it's not even as versatile I guess 🤔



3h Reply

 **nellieroberts** Knock off of @brixleybags



**scary.bailey** This looks suspiciously similar to @brixleybags products 🙄



**nellieroberts** Knock off of @brixleybags



**jayee.baby\_\_** 1h  
i just saw the @brixleybags ... which one of these is the dupe 🤔 ... LAWSUIT??

Reply Hide



**lilyisbored** 5d  
Thought it was a @brixleybags at first

3 likes Reply Hide



**skylervictoria\_\_** 3d  
@brixleybags

4 likes Reply Hide



**lindsay\_breeze** 3d  
It is, in fact, my new favorite bag

Reply Hide



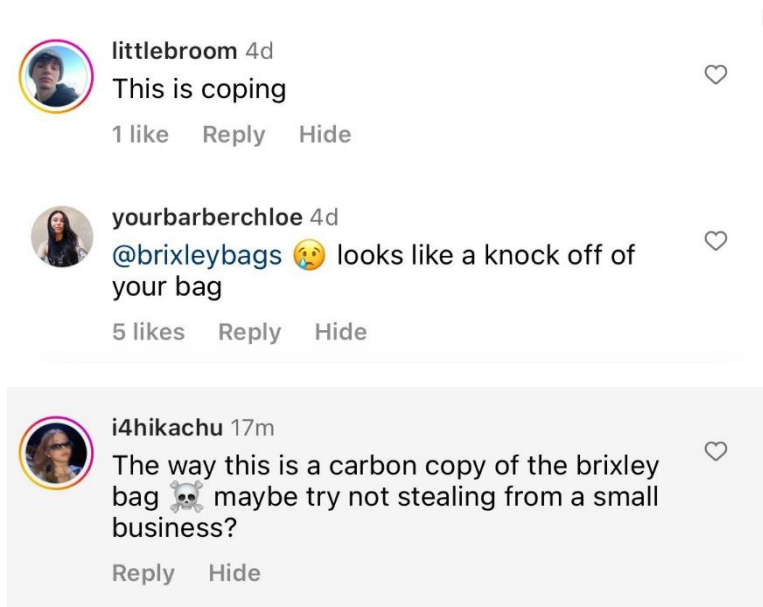
**ashezxxox** 4d  
@brixleybags IS ACTUALLY DEPENDABLE 🙌

5 likes Reply Hide



**tech.savvyj** 5d  
I had to do a double take! Thought this was another @brixleybags ad!





29. These and other consumer comments evidence that Defendants' product is substantially similar to the patented designs and that Defendants' infringement is considerably harming Thread.

### **FIRST CLAIM FOR RELIEF**

#### **PATENT INFRINGEMENT – THE '105 PATENT (35 U.S.C. § 271)**

30. Thread hereby realleges and incorporates by reference the allegations of paragraphs 1–29 of this Complaint into this Claim for Relief as though fully set forth herein.

31. The '105 patent, entitled "Cross-Body Bag," was duly and lawfully issued by the United States Patent and Trademark Office on August 15, 2023.

32. Thread is the owner by assignment of the entire right, title, and interest in the '105 patent and possesses all rights of recovery under the '105 patent, including the right to recover damages.



33. Thread's product packaging gives explicit notice to consumers that its products may be covered by one or more U.S. patents and is fixed with the URL <https://www.threadwallets.com/pages/intellectual-property>. This URL is a publicly accessible posting on the internet that associates the patented article with the number of the patent. Thread's website at <https://www.threadwallets.com/pages/intellectual-property> prominently marks Thread's cross-body bag as embodying the design claimed in the '105 patent.

34. Defendants, alone or in concert with others, have been and are now directly infringing Thread's '105 patent in violation of 35 U.S.C. § 271 by making, using, distributing, importing, selling, and/or offering for sale products (specifically, the Brixley Crossbody Bag) that embody Thread's patented design, and will continue to do so unless enjoined by this Court.

35. Upon information and belief, Defendants have made, used, distributed, imported, sold, and/or offered to sell products infringing the '105 patent throughout the United States and elsewhere, including within the state of Utah.

36. Upon information and belief, O'Connell has indirectly infringed the '105 patent under 35 U.S.C. § 271(b) by actively and knowingly assisting with and inducing Brixley's infringement of the '105 patent.

37. Defendants have had actual and/or constructive notice of Thread's patent through prior correspondence and/or Thread's marking.

38. Thread has been damaged by Defendants' infringement in an amount to be determined at trial and has no adequate remedy at law.

39. Upon information and belief, Defendants' infringing products were copied from Thread's products covered by the '105 patent. Upon further information and belief, Defendants' infringement of the '105 patent is willful and deliberate.

**SECOND CLAIM FOR RELIEF**

**PATENT INFRINGEMENT – THE '591 PATENT  
(35 U.S.C. § 271)**

40. Thread hereby realleges and incorporates by reference the allegations of paragraphs 1–39 of this Complaint into this Claim for Relief as though fully set forth herein.

41. The '591 patent, entitled "Cross-Body Bag," was duly and lawfully issued by the United States Patent and Trademark Office on May 7, 2024.

42. Thread is the owner by assignment of the entire right, title, and interest in the '591 patent and possesses all rights of recovery under the '591 patent, including the right to recover damages.

43. Thread's product packaging gives explicit notice to consumers that its products may be covered by one or more U.S. patents and is fixed with the URL <https://www.threadwallets.com/pages/intellectual-property>. This URL is a publicly accessible posting on the internet that associates the patented article with the number of the patent. Thread's website at <https://www.threadwallets.com/pages/intellectual-property> prominently marks Thread's cross-body bag as embodying the design claimed in the '591 patent.

44. Defendants, alone or in concert with others, have been and are now directly infringing Thread's '591 patent in violation of 35 U.S.C. § 271 by making, using, distributing, importing, selling, and/or offering for sale products (specifically, the Brixley Crossbody Bag) that embody Thread's patented design, and will continue to do so unless enjoined by this Court.

45. Upon information and belief, Defendants have made, used, distributed, imported, sold, and/or offered to sell products infringing the '591 patent throughout the United States and elsewhere, including within the state of Utah.

46. Upon information and belief, O'Connell has indirectly infringed the '105 patent under 35 U.S.C. § 271(b) by actively and knowingly assisting with and inducing Brixley's infringement of the '591 patent.

47. Defendants have had actual and/or constructive notice of Thread's patent through prior correspondence and/or Thread's marking.

48. Thread has been damaged by Defendants' infringement in an amount to be determined at trial and has no adequate remedy at law.

49. Upon information and belief, Defendants' infringing products were copied from Thread's products covered by the '591 patent. Upon further information and belief, Defendants' infringement of the '591 patent is willful and deliberate.

#### **PRAYER FOR RELIEF**

WHEREFORE, Thread demands a judgment in its favor and demands the following relief:

A. for judgment holding Defendants liable for design patent infringement under 35 U.S.C. § 271;

B. For a preliminary and permanent injunction prohibiting Defendants from infringing the '105 patent or the '591 patent pursuant to 35 U.S.C. § 283;

C. For an award of damages caused by Defendants through their infringement of the '105 patent and the '591 patent and a trebling of damages for Defendants' willful infringement

under 35 U.S.C. § 284, or an award of Defendants' profits from their infringement pursuant to 35 U.S.C. § 289, whichever is greater;

D. For an award of attorney fees for Defendants' infringement pursuant to 35 U.S.C. § 285;

E. For an award of costs pursuant to Fed.R.Civ.P. 54(d)(1); and

F. Such other relief as the Court may deem equitable and appropriate.

**JURY DEMAND**

Thread hereby demands a trial by jury on all issues so triable.

DATED this 5th day of November, 2024.

Respectfully submitted,

/s/ David P. Johnson

David P. Johnson

Brittany Frandsen

Attorney for Plaintiff

THREAD WALLETS LLC